

Attorney Docket: 002376.1017
Client Reference: Rice 20014

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Appeal No. 2008-2053
U.S.S.N. 09/935,168

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
ON APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

Applicant(s): **West, et al.** Customer No.: **023640**
Serial No.: **09/935,168** Confirmation No.: **9212**
Appeal No.: **2008-2053** Group Art Unit: **1644**
Filed: **August 21, 2001** Attorney Docket: **002376.1017**
Examiner: **Huynh, Phuong N.**
For: **Tissue Engineering Scaffolds Promoting Matrix Protein Production**

Approved
5/8/08

Chief Clerk of the Board
Board of Patent Appeals and Interferences
P.O. Box 1450
Alexandria, Virginia 22313-1450

REQUEST TO RESCHEDULE ORAL HEARING

Appellants request that the Board reschedule the oral hearing of Appeal No. 2008-2053 for the above captioned case until after July 1, 2008.

A Notice of Oral Hearing was mailed to Appellant on April 4, 2008 setting the oral hearing for May 20, 2008. The time set in the Notice of Hearing conflicts with prior commitments of Appellant's counsel. Specifically, Appellant's counsel is engaged in other litigation in the U.S. District Court for the District of Delaware (CA No. 06-438-GMS) that conflicts with the May 20, 2008 date. In this case, a pre-trial hearing is scheduled for May 5, 2008; and trial is to commence on June 2, 2008. The press of this litigation precludes Appellant's

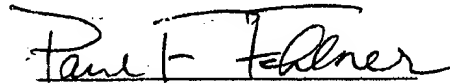
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counsel from properly preparing for the Oral Hearing as-scheduled.¹ Accordingly, Appellants request that the Board reschedule the oral hearing to a date after July 1, 2008.

Respectfully submitted,



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Date: April 22, 2008

¹ Further justification for rescheduling can be found in Applicants concurrently filed Request For Additional Time At Oral Hearing, which illustrates the complexity of the Appeal and highlights the need for Applicant's rescheduling request.